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U.S. District Court
Eastern District of MO

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

DIVISION

JESSIE S. BENFORD

Plaintiff(s),

v. SCHNEIDER NATIONAL CARRIERS

Case No. _____
(to be assigned by Clerk of District Court)

JURY TRIAL DEMANDED

YES ☒ NO ☐

Defendant(s). (Enter above the full name(s)
of all defendants in this lawsuit. Please
attach additional sheets if necessary.)

EMPLOYMENT DISCRIMINATION COMPLAINT

1. This employment discrimination lawsuit is based on (check only those that apply):

☒ Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e, *et seq.*, for employment discrimination on the basis of race, color, religion, gender, or national origin.
NOTE: *In order to bring suit in federal district court under Title VII, you must first obtain a right-to-sue letter from the Equal Employment Opportunity Commission.*

☐ Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. §§ 621, *et seq.*, for employment discrimination on the basis of age (age 40 or older).
NOTE: *In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file charges with the Equal Employment Opportunity Commission.*

☐ Americans with Disabilities Act of 1990, as amended, 42 U.S.C. §§ 12101, *et seq.*, for employment discrimination on the basis of disability.
NOTE: *In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a right-to-sue letter from the Equal Employment Opportunity Commission.*

____ Rehabilitation Act of 1973, as amended, 29 U.S.C. §§ 701, *et seq.*, for employment discrimination on the basis of a disability by an employer which constitutes a program or activity receiving federal financial assistance.

NOTE: *In order to bring suit in federal district court under the Rehabilitation Act of 1973, you must first file charges with the appropriate Equal Employment Office representative or agency.*

____ Other (Describe)

PARTIES

2. Plaintiff's name: JESSIE SAMUEL Rufus BENFORD

Plaintiff's address: 7446 SIELOFF DR. APT. A

Street address or P.O. Box

HAZELWOOD, MO. 63042

City/ County/ State/Zip Code

314-437-1497

Area code and telephone number

3. Defendant's name: SCHNEIDER NATIONAL CARRIERS

Defendant's address: 141 ENTERPRISE DR.

Street address or P.O. Box

EDWARDSVILLE, IL 62025

City/County/State/ Zip Code

1-800-558-6767

Area code and telephone number

NOTE: IF THERE ARE ADDITIONAL PLAINTIFFS OR DEFENDANTS, PLEASE PROVIDE THEIR NAMES, ADDRESSES AND TELEPHONE NUMBERS ON A SEPARATE SHEET OF PAPER.

4. If you are claiming that the discriminatory conduct occurred at a different location, please provide the following information:

(Street Address) (City/County) (State) (Zip Code)

5. When did the discrimination occur? Please give the date or time period:

11-21-2018

ADMINISTRATIVE PROCEDURES

6. Did you file a charge of discrimination against the defendant(s) with the Missouri Commission on Human Rights?

☐ Yes Date filed: _____

☒ No

7. Did you file a charge of discrimination against the defendant(s) with the Equal Employment Opportunity Commission or other federal agency?

☒ Yes Date filed: 2-22-2019

☐ No

8. Have you received a Notice of Right-to-Sue Letter?

☒ Yes

☐ No

If yes, please attach a copy of the letter to this complaint.

9. If you are claiming age discrimination, check one of the following:

_____ 60 days or more have passed since I filed my charge of age discrimination with the Equal Employment Opportunity Commission.

_____ fewer than 60 days have passed since I filed my charge of age discrimination with the Equal Employment Opportunity Commission.

NATURE OF THE CASE

10. The conduct complained of in this lawsuit involves (check only those that apply):

☐ failure to hire me

☒ termination of my employment

☐ failure to promote me

☐ failure to accommodate my disability

☒ terms and conditions of my employment differ from those of similar employees

☒ retaliation

☒ harassment

☐ other conduct (specify):

Did you complain about this same conduct in your charge of discrimination?

☒ Yes

☐ No

11. I believe that I was discriminated against because of my (check all that apply):

- ☒ race
☒ religion
☐ national origin
☒ color
☒ gender
☐ disability
☐ age (birth year is: _____)
☐ other:

Did you state the same reason(s) in your charge of discrimination?

☒ Yes ☐ No

12. State here, as briefly and clearly as possible, the essential facts of your claim. Describe specifically the conduct that you believe is discriminatory and describe how each defendant is involved in the conduct. Take time to organize your statement; you may use numbered paragraphs if you find it helpful. It is not necessary to make legal arguments, or to cite cases or statutes.

(Continue to page 6, if additional space is needed.)

I WAS ~~ASSIGNED~~ ASSIGNED TO HOME DEPOT ACCOUNT, VIA SCHNEIDER NATIONAL, AS A TRUCK DRIVER... I WAS DEPRIVED OF NORMAL WORK ENVIRONMENT, DUE TO MY SUPERVISOR, JACK FALINA, NOT BEING PHYSICALLY PRESENT ON THE JOB SITE...

VIA SCHNEIDER POLICY, JACK FALINA'S OFFICIAL TITLE AS MY SUPERVISOR WAS DBL (DRIVER BUSINESS LEADER). I WAS TO REPORT TO JACK FALINA, AND "ONLY" JACK FALINA IN ORDER TO BE APPROVED FOR "EACH" DAY OF WORK !!! (NO ASSISTANT MANAGER) ETC.

MY SPECIFIC TRAINING WAS OPERATING A MOFFITT MACHINE WHICH IS SIMILAR TO A FORK LIFT. THIS TRAINING WAS DELAYED DUE TO MACHINE MALFUNCTION ON TWO DIFFERENT OCCASIONS... (PER CLAUDE, SHOP MECHANIC)

ON THE DATE OF 11-13-2018, I, JESSIE BENFORD, SPECIFICALLY SPOKE WITH JACK FALINA REGARDING BAD WEATHER HEADED TO ST. LOUIS, FROM KANSAS CITY (JACK'S LOCATION)... TO RECONFIRM, I AM NOT ALLOWED TO PERFORM ANY DUTIES FOR SCHNEIDER NATIONAL UNLESS I RECEIVE APPROVAL VIA JACK FALINA... FROM THE DATES OF 11-14-2018 THRU 11-21-2018, I TRIED TO CONTACT JACK FALINA VIA PHONE, HUMAN RESOURCES, STEVE PRATTE (MOFFITT TRAINER) WITH NO SUCCESS...

FINALLY, AFTER SEVEN CONSECUTIVE DAYS, JACK FINALLY ANSWERED HIS PHONE... I ASKED JACK IF SOMETHING WAS WRONG, AND WHY WASN'T HE ANSWERING HIS PHONE...

JACK INFORMED ME THAT HE WAS ON FUNERAL LEAVE FOR THE WEEK.. WHEN I ASKED JACK, WHY DIDN'T HE INFORM ME OF THIS MATTER,

(CONTINUED)

DR LEAVE ~~WANTED~~ ELSE IN CHARGE IN ORDER TO FINISH MY
TRAINING, JACK BECAME UPSET AND STATED THAT I WASN'T COMMITTED
TO THE JOB... I EXPLAINED TO JACK THAT MY WHOLE PURPOSE FOR
CALLING HIM, AND THE VERY FACT THAT I WORK FOR SCHNEIDER
WAS BECAUSE I WANTED TO WORK... JACK STATED THAT HE DIDN'T
THINK I WAS WILLING TO "BUST MY ASS" FOR HIS ACCOUNT, AND THAT
HE HAD "NO MORE WORK" FOR ME!!! STATING THAT IT SHOULDN'T HAVE
TAKEN SO LONG FOR TRAINING TO BE COMPLETED... I ASKED JACK IF
~~WEEK~~ COULD SPEAK TO ME WITH RESPECT, AS I SPEAK TO HIM WITH
RESPECT VIA CHRIST'S COMMAND OF LOVE YOUR NEIGHBOR AS YOURSELF...
AGAIN JACK STATED THAT HE WAS "DONE WITH ME" AND THAT HE HAD
'NO MORE WORK FOR ME'!!! I ASKED FOR WRITTEN DECISION OF JACK'S
POSITION BUT JACK DECLINED AND HUNG UP THE PHONE...
I THEN SPOKE WITH AL CONNELLY AS WELL AS HUMAN RESOURCES,
TRYING TO RESOLVE THIS MATTER... I WAS TOLD BY BOTH PARTIES
THAT JACK IS MY (DBL) DRIVER BUSINESS LEADER, AND HE MAKES THE
FINAL DECISION ON THE MATTER... AT THAT POINT, I CONTACTED THE
MISSOURI DIVISION OF EMPLOYMENT..

13. The acts set forth in paragraph 12 of this complaint:

☐ are still being committed by the defendant.

☐ are no longer being committed by the defendant.

☒ may still be being committed by the defendant.

REQUEST FOR RELIEF

State briefly and exactly what you want the Court to do for you. Make no legal arguments;

cite no cases or statutes. I WOULD LIKE TO BE MADE WHOLE FINANCIALLY,
AS WELL AS FORCE SCHNEIDER TO ABIDE BY FEDERAL RULES TO
OPERATE PEACEFUL WORK ENVIRONMENT RATHER THAN HOSTILE WORK
ENVIRONMENT

14. Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 21st day of MARCH, 2019.

Signature of Plaintiff Jessie Samuel Rapier Berfel